

## **Remarks**

### **Status of the Claims**

Claims 1-23 were pending in the application. All claims stand rejected. By this paper, claims 1-3, 11-13, 16-19, 21 and 23 have been amended, and claim 22 has been canceled without prejudice or disclaimer. The claims are amended herein for clarification. No new matter has been added. For the reasons set forth below, The Applicants submit that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

### **Telephone Interview**

The Applicants express appreciation to the Examiner for the telephone interview of October 29, 2007 extended to the Applicants' attorneys of record, Kory D. Christensen and Aaron D. Barker. During the interview, distinctions between claim 1 and U.S. Patent No. 6,690,795 to Richards ("Richards") were discussed. Amendments to claim 1 were also proposed, as reflected in the listing of claims herein. U.S. Patent No. 6,598,231 to Basawapatna et al. ("Basawapatna") was also briefly discussed. In particular, the Examiner pointed out that Basawapatna teaches that "the type of signal (i.e., analog or digital) will dictate the type of...encryption techniques used." Col. 7, lines 1-7 As discussed below, the Applicants respectfully submit that such a teaching does not teach or suggest the subject matter of the independent claims, as amended herein.

### Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-5, 11-12 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Richards in view of U.S. Patent No. 6,031,576 issued to Kuykendall Jr., et al. ("Kuykendall"); claims 2, 13 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Richards in view of Kuykendall and in further view of U.S. Patent No. 6,415,031 issued to Colligan Jr., et al. ("Colligan"); claims 21-22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Richards in view of U.S. Patent No. 6,598,231 issued to Basawapatna; and claim 23 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable Richards in view of Basawapatna and in further view of Colligan. These rejections are respectfully traversed. As set forth below, the Applicants respectfully submit that each of the pending claims is patentably distinct from the cited references, individually and collectively.

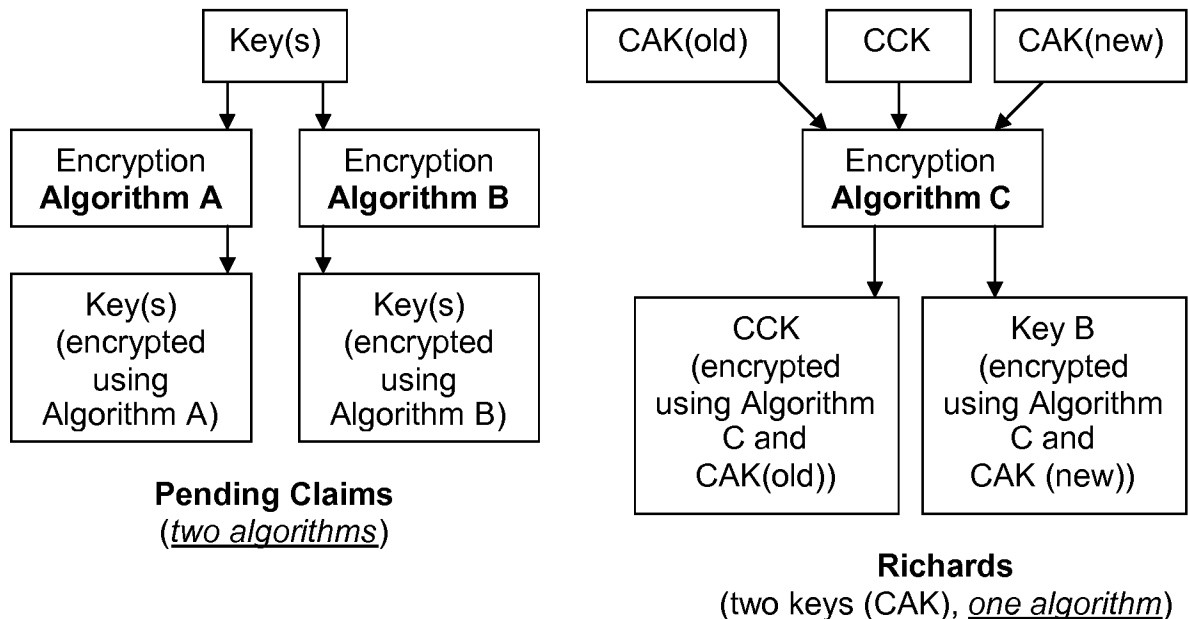
An aspect of the pending claims is that a group of original multimedia channel keys are encrypted using a ***first encryption algorithm*** decryptable by a first multimedia receiver. The same group of original multimedia channel keys are also encrypted using a ***second encryption algorithm*** decryptable by a second multimedia receiver. The two groups of encrypted keys are then concurrently transmitted. Thus, receivers with newer and more advanced types of encryption may be introduced into the market without discontinuing service to older receivers.

According to page 2 of the Final Office Action:

Richards teaches that each month the keys and formats that the channels are encrypted in change (col. 17, lines 54-58). Specifically, Richards teaches that when the new encryption format is being implemented, there is a transitional phase to allow for a seamless

migration since not all receivers obtain the new monthly channel key at the same time, and thus the encrypted channels keys must be concurrently transferred in the old and new format for delivery to all receivers....

Richards teaches changing the channel access key (CAK) each month to a different code. Col. 14, lines 39-49. The CAK is used to encrypt/decrypt a control channel key (CCK). See FIG. 14 and col. 11, lines 14-21. New CAKs cannot be delivered to all customers instantaneously, thus a transition period is provided when both old and new CAKs are used with a single algorithm to encrypt a CCK. Col. 16, lines 51-53, and col. 17, lines 7-13 and 36-43. The drawings below illustrate the difference in using two different encryption algorithms (as required by the pending claims) and using two different encryption keys (as taught by Richards).



As illustrated above, encrypting a key (or group of keys) using two different algorithms is clearly different than encrypting a key (CCK) using a single algorithm with two different encryption keys (CAK(old) and CAK(new)). As discussed in Applicant's prior response, an encryption algorithm typically transforms data based on a code

referred to as a key. Thus, a single type of encryption may select from a large number of potential codes (keys) to encrypt/decrypt data according to a single algorithm. While Richards teaches changing the code (CAK) on a monthly basis, Richards is silent as to changing the underlying **algorithm** used to encrypt/decrypt the data.

As the Examiner pointed out in the telephone interview, col. 7, lines 1-7 of Basawapatna teach that “the type of signal (i.e., analog or digital) will dictate the type of...encryption techniques used.” However, the Applicants respectfully submit that this alone does not teach or suggest that a key (or group of keys) is encrypted **twice** using two different algorithms. Rather, Basawapatna merely teaches that an appropriate type of encryption must be used.

For at least the foregoing reasons, the cited prior art references, whether considered individually or in combination, fail to disclose each of the limitations in any of the pending independent claims. For at least the same reasons, each of the claims depending therefrom are also patentably distinct from the cited prior art.

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

**Digeo, Inc.**

By /Kory D. Christensen/  
Kory D. Christensen  
Registration No. 43,548

STOEL RIVES LLP  
One Utah Center Suite 1100  
201 S Main Street  
Salt Lake City, UT 84111-4904  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999